

Civil Court Of The City Of New York
County of Queens: Commercial Part 52

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Nicole Katsorhis, Esq., Temporary Receiver,,

Index № 53951-2018

Petitioner,

- - against - -

Affidavit in Support

Richie Rich Restaurant, "XYZ Corp.", the names set
in quotes being fictitious persons or entities with given
and/or surnames unknown to Petitioner in possession
of the premises described herein,

Respondents.

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STATE OF NEW YORK)
COUNTY OF NEW YORK)SS:

Jarnail Singh, being duly sworn, deposes and says:

1. I am a principal of the Respondent in this proceeding. I am an adult resident of the County of Queens, State of New York.
2. I submit this affidavit in support of Respondent's motion to dismiss. I have reviewed the petition and the answer filed in this proceeding. The answer remains true and accurate to the best of my knowledge. I incorporate everything stated therein as if repeated fully and at length herein.
3. I am also a managing member of Atlantic 111st LLC, the owner of the real property 110-19 Atlantic Avenue, Richmond Hill, New York, 11418 (Block 9317, Lot 21) ("Subject Property").
4. At all times relevant, none of the occupants of the Subject Property has had a month-to-month agreement or lease.
5. Instead, Atlantic 111stLLC has had a long-term understanding that it will permit Richie Rich to operate on the property without a lease.
6. Richie Rich Restaurant, operating as a restaurant, entered and occupied the Subject Property many year ago.

7. There are no tenants occupying the Subject Property.
8. There are no tenants.
9. There are no leasees.
10. No rent has been collected.
11. Contrary to the Petitioner's allegations, no occupants, including any of the Respondents, "are in possession of the Premises pursuant to an oral monthly tenancy agreement."
12. Petitioner's allegation is simply not true.
13. Respondent did not enter pursuant to an oral or written tenancy agreement.
14. Respondent did not enter pursuant to a monthly agreement.
15. Quite simply there is no landlord/tenant relationship or any such other relationship that would bring the respondent without the limited subject matter jurisdiction of the court.
16. Because of the foregoing, it is respectfully requested that this Court grant my motion in its entirety.

W H E R E F O R E , it is respectfully requested that this Court grant the relief in the notice of motion and grant to me such further, other, and different relief that this court deems just, proper, and equitable.

s/ Jarnail Singh

Jarnail Singh

Subscribed and sworn to before me this 15th day of May, 2018

s/ Steven A. Biolsi

Steven A. Biolsi, Esq.
Notary Public, State of New York
02BI6123747
Qualified in Queens County
Commission Expires March 14, 2021